



## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-900]

#### Granular Polytetrafluoroethylene Resin from India: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of granular polytetrafluoroethylene (PTFE) resin from India.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Josh Simonidis or Janae Martin, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0608 or (202) 482-0238, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 6, 2021, Commerce published its *Preliminary Determination*.<sup>1</sup> On October 1, 2021, Commerce released its Post-Preliminary Analysis.<sup>2</sup> For a complete description of the events that followed the *Preliminary Determination* and Post-Preliminary Analysis, see the Issues and Decision Memorandum.<sup>3</sup> The Issues and Decision Memorandum is a public

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<sup>1</sup> See *Granular Polytetrafluoroethylene Resin from India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 86 FR 35479 (July 6, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, “Post-Preliminary Analysis of Countervailing Duty Investigation,” dated October 4, 2021 (Post-Preliminary Analysis).

<sup>3</sup> See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Granular Polytetrafluoroethylene Resin from India,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Period of Investigation

The period of investigation is April 1, 2019, through March 31, 2020.

#### Scope of the Investigation

The product covered by this investigation is granular PTFE resin from India. For a complete description of the scope of this investigation, *see* Appendix I.

#### Scope Comments

No interested party commented on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, no changes were made to the scope of the investigation.

#### Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, *see* Appendix II to this notice.

#### Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>4</sup> For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

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<sup>4</sup> *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

In making this final determination, Commerce relied, in part, on the facts otherwise available on the record pursuant to section 776(a) of the Act. Additionally, as discussed in the Issues and Decision Memorandum, because the Government of India did not act to the best of its ability in responding to our requests for information, we drew adverse inferences, where appropriate, in selecting from among the facts otherwise available, pursuant to section 776(b) of the Act. For further information, see the section “Use of Facts Otherwise Available and Adverse Inferences” in the accompanying Issues and Decision Memorandum.

#### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.<sup>5</sup>

#### Final Affirmative Determination of Critical Circumstances

In accordance with section 703(e) of the Act and 19 CFR 351.206, Commerce preliminarily determined that critical circumstances exist for Gujarat Fluorochemicals Limited (GFCL).<sup>6</sup> Commerce did not receive any comments in response to its preliminary determination with respect to critical circumstances. That determination remains unchanged, and a discussion of our final critical circumstances determination can be found in the Issues and Decision Memorandum.

#### Changes Since the Preliminary Determination and Post-Preliminary Analysis

Based on our review and analysis of the comments received from parties, we made certain changes to GFCLs preliminary subsidy rate calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

#### All-Others Rate

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<sup>5</sup> See Commerce’s Letter, “In Lieu of On-Site Verification Questionnaire,” dated October 21, 2021; *see also* GFCL’s Letter, “In Lieu of Verification Questionnaire Response,” dated November 15, 2021.

<sup>6</sup> See *Preliminary Determination* PDM at 3-5.

We continue to determine the all-others rate using the individual estimated subsidy rate determined for GFCL, the only individually examined exporter/producer in this investigation, in accordance with section 705(c)(5)(A)(i) of the Act.

#### Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

| <b>Company</b>                               | <b>Subsidy Rate<br/><i>ad valorem</i> (percent)</b> |
|--|---|
| Gujarat Fluorochemicals Limited <sup>7</sup> | 31.89   |
| All Others                                   | 31.89   |

#### Disclosure

Commerce intends to disclose to interested parties the calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of the publication of this notice in the *Federal Register*, in accordance with 19 CFR 351.224(b).

#### Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after April 7, 2021, which is 90 days before the date of publication of the *Preliminary Determination* in the *Federal Register*. In accordance with section 703(d) of the Act, effective November 3, 2021, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise, but to continue the suspension of liquidation of all entries of subject merchandise between April 7, 2021 and November 2, 2021.

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<sup>7</sup> Commerce has found the following companies to be cross-owned with GFCL: Inox Leasing Finance Limited and Inox Wind Limited.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

#### ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of granular PTFE resin from India. As Commerce's final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured or threatened with material injury. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

#### Notification Regarding APO

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or

conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: January 18, 2022.

Lisa W. Wang,  
Assistant Secretary  
for Enforcement and Compliance.

## **Appendix I**

### **Scope of the Investigation**

The product covered by this investigation is granular polytetrafluoroethylene (PTFE) resin. Granular PTFE resin is covered by the scope of this investigation whether filled or unfilled, whether or not modified, and whether or not containing co-polymer, additives, pigments, or other materials. Also included is PTFE wet raw polymer. The chemical formula for granular PTFE resin is  $C_2F_4$ , and the Chemical Abstracts Service (CAS) Registry number is 9002-84-0.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by filling, modifying, compounding, packaging with another product, or performing any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the granular PTFE resin.

The product covered by this investigation does not include dispersion or coagulated dispersion (also known as fine powder) PTFE.

PTFE further processed into micropowder, having particle size typically ranging from 1 to 25 microns, and a melt-flow rate no less than 0.1 gram/10 minutes, is excluded from the scope of this investigation.

Granular PTFE resin is classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 3904.61.0010. Subject merchandise may also be classified under HTSUS subheading 3904.69.5000. Although the HTSUS subheadings and CAS Number are provided for convenience and customs purposes, the written description of the scope is dispositive.

## **Appendix II**

### **List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Use of Facts Otherwise Available and Adverse Inferences
- IV. Final Determination of Critical Circumstances
- V. Subsidies Valuation
- VI. Analysis of Programs
- VII. Analysis of Comments
  - Comment 1: Whether Production of Wind Energy Supplied by Inox Wind Limited Is Primarily Dedicated
  - Comment 2: Whether the Mumbai Benchmark Is Comparable in Calculating State Industrial Development Corporation's (SIDC's) Provision of Land for Less Than Adequate Remuneration (LTAR) Benefits
  - Comment 3: Whether the Mumbai Benchmark Is Aberrational in Calculating SIDC's Provision of Land for LTAR Benefits
  - Comment 4: Whether Commerce Should Correct Its Land Benefit Calculations
  - Comment 5: Whether Commerce Should Apply Adverse Facts Available to the Programs Under the State Government of Madhya Pradesh Industrial Promotion Act and the Merchandise Export from India Scheme Program
  - Comment 6: Whether the Advanced Authorization Program and Duty Drawback Programs Are Countervailable
  - Comment 7: Whether Renewable Energy Certificates Provide a Financial Contribution
  - Comment 8: Whether Commerce Should Correct Its Electricity Duty Exemption Calculations
- VIII. Recommendation